



Memorial

University of Newfoundland

25 May 2019



TO: Regional Assessment Committee - Offshore Oil and Gas
Exploratory Drilling East of Newfoundland and Labrador
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FR: W. A. Montevecchi and R. Sorensen

RE: Follow-up to Regional Assessment Meeting (May 23, 2019)

cc: S. Bonnell, I. Jones, G. Naterer

We appreciated the opportunity to learn more about the committee's mandate and working objectives and to discuss some pressing concerns about the necessity for adequate environmental and wildlife protection associated with Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador.

Here we provide answers and feedback on the questions that the committee posed to interested stakeholders.

A) What do you consider to be the main objective and desired outcome of this Regional Assessment? What should it contain and do, and how should it be used?

The primary objective of a review committee created by the Canadian Environmental Assessment Agency (CEAA) should be the environment.

The committee's objectives on the CEAA website are to:

"Improve the efficiency of the federal-environmental assessment process as it applies to offshore oil and gas. Ensure a more predictable and timely regulatory process for future offshore exploration drilling projects and their investors, while also ensuring the environment is protected."

These objectives are driven by developmental efficiency, with environmental concerns as add-ons at the end. This orientation has been brought about by corporate and other developmental lobbying efforts, i.e. the "time is money" argument. Current procedures to assess multiple projects as a package are actually fast-tracking the

assessment process. The oil isn't going anywhere, and the time needed for adequate assessments of environmental effects should not be compromised by economic pressures.

B) Are there particular environmental components and issues that you think the Regional Assessment should focus on and seek to address?

The conflict between public transparency of information and data versus confidentiality (proprietary corporate privilege) is a long-standing conflict between development and environmental vigilance and protection.

The Canada-Newfoundland and Labrador Offshore Petroleum Board's (C-NLOPB) joint responsibilities for development and environment/safety has precluded resolution of this conflict (see report by Justice Robert Wells 2011 <https://www.cbc.ca/news/canada/newfoundland-labrador/new-offshore-oil-safety-agency-needed-inquiry-1.911890>).

The Regional Assessment (RA) should seek to ensure the public transparent disclosure of oil and gas spills, leaks and other pollution events during offshore exploratory drilling. Such environmental data should not be considered proprietary information of the operators, and should allow third-party scrutiny of the data required for environmental monitoring and assessment.

Owing to conflicts of interest and liability, corporate self-reporting to the C-NLOPB is the current form of environmental monitoring. For an environmental assessment that attempts to predict the impact of exploratory drilling, lack of appropriate disclosure skews the reality of predictions and compromises understanding the accurate spatial and temporal effects of this activity on marine life and the ocean environment (Fraser et al. 2008). To help rectify this situation, arm's length marine bird and mammal observers are needed on oil and gas exploration drill rigs (Montevecchi et al. 1999). It is well documented that these platforms attract and aggregate seabirds (Weise et al. 2001) and that the data obtained to date are scientifically inadequate (Burke et al. 2005, 2012).

Annual summary statistics including the documentation, volume and location of all spills should be provided on a publicly accessible site. Transparent information would identify the operator, the outcome of the spill including surface area covered, persistence of the substance and actions taken before and after the incident (Fraser et al. 2008).

The RA must also ensure the accurate reporting of marine bird and mammal observations by trained independent observers. Systematic observations at dawn, mid-day, sunset and at night should be made each day, and the entire platform should be surveyed to record avian collisions, landings and mortality. These records must be

reported to Environment Canada and must be available for public scrutiny on a well-defined timely basis. Environmental assessments of offshore oil and gas projects have predicted “non-significant adverse effects on seabirds from oil spills < 1000 barrels, incineration in platform flares and collisions with lighted structures” (Burke et al. 2012). However, due to the inadequate monitoring of seabird species composition, frequency of occurrence, flaring, collision and other mortality at and around offshore platforms through the annual seasonal cycle, robust predictions are not possible. Trained independent environmental observers would help rectify the long-standing inadequate monitoring of seabirds at offshore platforms.

Nocturnal observations are essential because the most vulnerable Leach’s Storm-Petrels are nocturnally active and are attracted to the flares and lighting on drill rigs. Their populations have declined precipitously during the past 30 years (Montevecchi and McFarlane 2019; Wilhelm et al. 2019), so much so that the International Union for the Conservation of Nature (IUCN) considers the species vulnerable to extinction (Birdlife International 2019). Potential mechanisms to address this issue include eliminating the unnecessary skyward projection of light, light conservation by turning off unnecessary lighting, covering windows at night and importantly planning for flare shutdown during the storm-petrels’ peak migration period in September and October. The wavelength of light can also be altered to reduce seabird attraction. Green, red and blue light are less attractive to birds than white light and would continue to provide safe working conditions for rig workers (e.g. Poot et al. 2008). Flaring should be reduced and eventually eliminated by reinjecting gases into hydrocarbon basins.

C) Do you have any suggestions on available environmental datasets or other information sources that should be accessed and used in the Regional Assessment? Are there any key data gaps?

Seabirds are the accepted global indicator of pollution in the world’s oceans.

The seasonal and episodic occurrences and mortality of seabirds with offshore oil and gas rigs must be rigorously assessed (Burke et al. 2004, 2012). To date, the data collected is not scientifically defensible, even though simple protocols have been available for decades (Montevecchi et al. 1999). The most credible way to execute these protocols is as indicated above with trained dedicated arm’s length observers.

As well, seabird data obtained on seismic vessels beyond the continental shelf, which is approximately 1/3 of the assessment area under consideration should be available for public scrutiny and should be included in ECCC assessments.

D) Do you have any perspectives on the scope of the Regional Assessment, including the particular exploration activities that it should cover, its Study Area (see attached map), or other factors?

Proposed exploratory drilling includes activities in marine protected areas. Canada has committed to having 10% of our oceans as protected areas by 2020. If these areas are exploited for oil and gas, they cannot be considered protected.

E) Do you have any suggestions around the nature and format of the eventual Regional Assessment “product” that the Committee will develop and submit to the Minister?

The RA must be conducted rigorously. The outcomes and data must be measurable, and all regulations put in place must be enforceable with well-defined timelines. A penalty should be put in place to ensure all findings are being reported, and in a time-appropriate manner.

The RA’s primary focus should be on the environment from which our economic products are derived.

E) Are there any mitigation and monitoring/follow-up measures that you think should be implemented for future exploratory drilling activities in the Study Area? (Note: This may include perspectives on the adequacy of current measures + any suggestions for new ones – either in general or for specific situations).

As documented in the response to question B above, the current mitigation procedures are inadequate, and rigorous scientific data needs to be properly collected and made publicly available to enable evidence-based decision-making.

F) Do you have any perspectives or preferences on how future engagement activities for the Regional Assessment should be carried out (format, timing, participation)?

A next step should bring stakeholders together. Biologists, fishers, government personnel, individuals working in the oil industry, engineers, non-government organizations, etc. should collectively discuss options to achieve resolutions based on the common goals of all stakeholders involved.

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Thank you for consideration.

Respectfully submitted,
<Original signed by>

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